

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LINDA DANIELS,

Plaintiff,

vs.

KILOLO KIJAKAZI¹,

Acting Commissioner of Social Security,

Defendant.

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Case No. 4:20-CV-1773 PLC

MEMORANDUM AND ORDER

This case is before the Court on Defendant Kilolo Kijakazi’s motion to reverse the decision of the administrative law judge (ALJ) and remand the case to Defendant pursuant to sentence four of section 205(g), 42 U.S.C. § 405(g). [ECF No. 31] Plaintiff Linda Daniels “states that she has no objection to Defendant’s Motion to Reverse and Remand.” [ECF No. 32]

On December 15, 2020, Plaintiff filed a complaint seeking review of Defendant’s decision that Plaintiff was not under a disability within the meaning of the Social Security Act. [ECF No. 1] Defendant filed her answer and a transcript of the administrative proceedings. [ECF Nos. 18 & 19] Plaintiff filed a brief in support of the complaint, as well as a statement of uncontroverted facts. [ECF Nos. 28, 28-1]

By the instant motion, Defendant requests the Court reverse and remand the case for further action under 42 U.S.C. § 405(g), which permits the Court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C.

¹ Kilolo Kijakazi is now the Acting Commissioner of Social Security and is automatically substituted pursuant to Fed. R. Civ. P. 25(d).

§ 405(g). Defendant states: “After careful review of the above-captioned case, agency counsel determined that remand was necessary for further evaluation of Plaintiff’s claim.” [ECF No. 31] Defendant explains that, on remand, “the Agency will remand the case to an ALJ to further evaluate Plaintiff’s non-exertional limitations and the effects of those limitations on the light exertional occupational base.” [Id.] Additionally, “the ALJ will offer Plaintiff the opportunity for a new hearing, take further action to complete the administrative record, and issue a new decision.” [Id.]

Based on the record, the Court grants Defendant’s unopposed motion to reverse the ALJ’s decision and remand this matter to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Accordingly,

IT IS HEREBY ORDERED that Defendant’s unopposed motion to reverse and remand [ECF No. 31] is **GRANTED**.

A separate judgment in accordance with this Memorandum and Order is entered this same day.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 28th day of December, 2021